

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7284**

**BILL NUMBER:** SB 346

**NOTE PREPARED:** Apr 15, 2011

**BILL AMENDED:** Apr 13, 2011

**SUBJECT:** Environmental legal action statute of limitations.

**FIRST AUTHOR:** Sen. Gard

**FIRST SPONSOR:** Rep. Wolkins

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill specifies the statute of limitations for (1) an environmental legal action; and (2) an action for a contribution to pay for corrective action related to a release from an underground storage tank. The bill prohibits a person from reviving or raising new claims in an action that was finally adjudicated or settled prior to the effective date of the statute of limitations. It specifies that a person who brings an action prior to the effective of the statute of limitations for an environmental legal action may not amend the action or bring a new action based on the establishment of the statute of limitations.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** The impact that specifying a statute of limitations for legal action and for contribution to pay for corrective action is indeterminable. Because the Indiana Department of Environmental Management (IDEM) receives revenue for corrective actions, limiting the time frame for recovery could reduce revenue received.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Any governmental entity may seek to recover costs incurred for a removal action. Placing a statute of limitations for legal action could reduce revenues received for costs incurred by local units. The impact is indeterminable.

**State Agencies Affected:** IDEM.

**Local Agencies Affected:** All.

**Information Sources:**

**Fiscal Analyst:** Bernadette Bartlett, 317-232-9586.